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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 United States of America,
10 Plaintiff,

No. CR08-0449-PHX-DGC

11 vs.

ORDER

12 Augustine Thomas,

13 Defendant.

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15 Defendant Augustine Bernal Thomas has filed a motion for belated notice of
16 appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure and “Rule 15 of
17 amended filings and pleadings.” Doc. 143. The Court will treat “Rule 15 of amended
18 filings and pleadings” as a reference to Federal Rule of Civil Procedure 15, which
19 governs motions for leave to amend pleadings. LRCiv 15.1. Because this is a criminal
20 case, the Federal Rules of Civil Procedure are inapposite. The Court will review
21 Defendant’s motion under Rule 4 of the Federal Rules of Appellate Procedure.

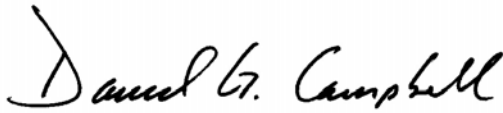
22 Rule 4(b)(1) provides that, “[i]n a criminal case, a defendant’s notice of appeal
23 must be filed in the district court within 14 days” of the entry of judgment. In this case,
24 Defendant entered a guilty plea on August 20, 2009 (Doc. 137), and the Court entered
25 judgment against Defendant on November 25, 2009 (Doc. 138). Defendant’s notice of
26 appeal far exceeds the 14-day deadline.

27 Rule 4(b)(4) governs extensions of time. Pursuant to that rule, “[u]pon a finding
28 of excusable neglect or good cause, the district court may – before or after the time has

1 expired, with or without motion and notice – extend the time to file a notice of appeal for
2 a period not to exceed 30 days from the expiration of the time otherwise prescribed by
3 this Rule 4(b).” Even if the Court could find excusable neglect or good cause,
4 Defendant’s notice of appeal would far exceed even a 30-day extension. Defendant does
5 not qualify for relief under Rule 4 of the Federal Rules of Appellate Procedure.

6 **IT IS ORDERED** that Defendant’s motion for belated notice of appeal
7 (Doc. 143) is **denied**.

8 Dated this 26th day of March, 2012.

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12 David G. Campbell
13 United States District Judge
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